

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1, 3-12, 14-15, and 21-27 were pending in the application, of which Claims 1, 8, 12, and 15 are independent. In the Final Office Action dated November 25, 2005, Claims 1, 3-4, 12, 14-15, 21, 23-24, and 26 were rejected under 35 U.S.C. § 102(e) and Claims 5-11, 22, 25, and 27 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 3-12, 14-15, and 21-27 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

Applicant thanks Examiner Pan for the courtesy of a telephone interview on January 31, 2006, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 103. During the interview, Applicants asserted that neither U.S. Patent No. 6,295,540 ("*Sanschagrin*") nor U.S. Patent No. 5,870,558 ("*Branton*") disclose initiating a communications session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop. Furthermore, Applicants asserted that neither *Sanschagrin* nor *Branton* disclose: i) retrieving previously stored configuration data associated with the network element from a database; ii) comparing the previously stored configuration data to the configuration data received from the network element; iii) determining whether the previously stored configuration data and the configuration data received from the network element are identical; or iv) storing the configuration data received from the network element in the database in response to determining that the previously stored configuration data and the configuration data received from the

network element are not identical. No agreement was made regarding patentability of the claims rejected using.

I. Rejection of the Claims Under 35 U.S.C. § 102(e)

In the Final Office Action dated November 25, 2005, the Examiner rejected Claims 1, 3-4, 12, 14-15, 21, 23-24, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,295,540 ("*Sanschagrin*"). Claims 1, 12, and 15 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "in response to the request, initiating a communications session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop" and "retrieving previously stored configuration data associated with the network element from a database; comparing the previously stored configuration data to the configuration data received from the network element; determining whether the previously stored configuration data and the configuration data received from the network element are identical; and in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical, storing the configuration data received from the network element in the database." Amended Claims 12 and 15 each includes a similar recitation.

In contrast, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* discloses a method for inventory data alignment obtained with a record keeping system (e.g. TIRKS 1) using a network management system. (See col. 1, lines 1-4.) In *Sanschagrin*, a command is initiated separately to query a network manager (NM) 11 and TIRKS 1 regarding the type of data on a network 20. (See col. 1, lines 5-7.) Then, in response to the command, *Sanschagrin* discloses receiving a current inventory data returned from NM 11 and an inventory data returned by record keeping system 1. (See col. 1, lines 7-10.) Next, *Sanschagrin* compares the current inventory data with the inventory data to determine a data discrepancy. (See col. 1, lines 10-12.) Accordingly, *Sanschagrin* does not disclose directly communicating with a network element in network 20, rather *Sanschagrin* merely discloses communicating with NM 11, which at least is not in network 20. (See FIG. 1.) Furthermore, while *Sanschagrin* compares data, *Sanschagrin* does not compare stored data with data received from an actual functioning network element, rather *Sanschagrin* merely compares data from two different data bases, one database in NM 11 and another database in TIRKS1.

In short, *Sanschagrin* does not anticipate the claimed invention because *Sanschagrin* at least does not disclose “in response to the request, initiating a communications session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop” or “retrieving previously stored configuration data associated with the network element from a database; comparing the previously stored configuration data to the configuration data received from the network element; determining whether

the previously stored configuration data and the configuration data received from the network element are identical; and in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical, storing the configuration data received from the network element in the database”, as recited by amended Claim 1. Amended Claims 12 and 15 each includes a similar recitation. Accordingly, independent Claims 1, 12, and 15 each patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 12, and 15.

Dependent Claims 3-4, 14, 21, 23-24, and 26 are also allowable at least for the reasons described above regarding independent Claims 1 and 12, and by virtue of their respective dependencies upon independent Claims 1 and 12. Accordingly, Applicant respectfully requests withdrawal of this rejection of Claims 3-4, 14, 21, 23-24, and 26.

II. Rejection of Claim 5-7 Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over *Sanschagrin* in view of U.S. Patent No. 5,870,558 ("*Branton*"). Dependent Claims 5-7 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, “in response to the request, initiating a communications session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop” and “retrieving previously stored configuration data associated with the network element from a database; comparing the previously stored configuration data to the

configuration data received from the network element; determining whether the previously stored configuration data and the configuration data received from the network element are identical; and in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical, storing the configuration data received from the network element in the database.”

In contrast, and as stated above, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* discloses a method for inventory data alignment obtained with a record keeping system (e.g. TIRKS 1) using a network management system. (See col. 1, lines 1-4.) In *Sanschagrin*, a command is initiated separately to query a network manager (NM) 11 and TIRKS 1 regarding the type of data on a network 20. (See col. 1, lines 5-7.) Then, in response to the command, *Sanschagrin* discloses receiving a current inventory data returned from NM 11 and an inventory data returned by record keeping system 1. (See col. 1, lines 7-10.) Next, *Sanschagrin* compares the current inventory data with the inventory data to determine a data discrepancy. (See col. 1, lines 10-12.) Accordingly, *Sanschagrin* does not disclose directly communicating with a network element in network 20, rather *Sanschagrin* merely discloses communicating with NM 11, which at least is not in network 20. (See FIG. 1.) Furthermore, while *Sanschagrin* compares data, *Sanschagrin* does not compare stored data with data received from an actual functioning network element, rather *Sanschagrin* merely compares data from two different data bases, one database in NM 11 and another database in TIRKS1.

Furthermore, *Branton* does not overcome *Sanschagrin*'s deficiencies. *Branton* merely teaches a intranet graphical user interface for SONET network management. Like *Sanschagrin*, *Branton* at least does not disclose the aforementioned recitations from independent Claim 1.

Combining *Sanschagrin* with *Branton* would not have led to the claimed invention because *Sanschagrin* and *Branton*, either individually or in combination, at least do not disclose "in response to the request, initiating a communications session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop" or "retrieving previously stored configuration data associated with the network element from a database; comparing the previously stored configuration data to the configuration data received from the network element; determining whether the previously stored configuration data and the configuration data received from the network element are identical; and in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical, storing the configuration data received from the network element in the database", as included in dependent Claims 5-7. Accordingly, dependent Claims 5-7 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 5-7.

III. Rejection of Claim 8-11, 22, 25, and 27 Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 8-11, 22, 25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Sanschagrin* in view of *Branton*.

Claim 8 has been amended, and Applicant respectfully submits that the amendment overcomes this rejection and adds no new matter.

Amended Claim 8 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “a network element ...operative to...received through a SONET transport center, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop” and “a server computer...operative to..., ...to retrieve previously stored configuration data associated with the network element from a database; to compare the previously stored configuration data to the configuration data received from the network element, to determine whether the previously stored configuration data and the configuration data received from the network element are identical, and to store the configuration data received from the network element in the database in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical.”

In contrast, and as stated above, *Sanschagrin* at least does not disclose the aforementioned recitation. For example, *Sanschagrin* discloses a method for inventory data alignment obtained with a record keeping system (e.g. TIRKS 1) using a network management system. (See col. 1, lines 1-4.) In *Sanschagrin*, a command is initiated separately to query a network manager (NM) 11 and TIRKS 1 regarding the type of data on a network 20. (See col. 1, lines 5-7.) Then, in response to the command, *Sanschagrin* discloses receiving a current inventory data returned from NM 11 and an inventory data returned by record keeping system 1. (See col. 1, lines 7-10.) Next, *Sanschagrin* compares the current inventory data with the inventory data to determine a

data discrepancy. (See col. 1, lines 10-12.) Accordingly, *Sanschagrin* does not disclose directly communicating with a network element in network 20, rather *Sanschagrin* merely discloses communicating with NM 11, which at least is not in network 20. (See FIG. 1.) Furthermore, while *Sanschagrin* compares data, *Sanschagrin* does not compare stored data with data received from an actual functioning network element, rather *Sanschagrin* merely compares data from two different data bases, one database in NM 11 and another database in TIRKS1.

Furthermore, and as also stated above, *Branton* does not overcome *Sanschagrin*'s deficiencies. *Branton* merely teaches a intranet graphical user interface for SONET network management. Like *Sanschagrin*, *Branton* at least does not disclose the aforementioned recitations from independent Claim 1.

Combining *Sanschagrin* with *Branton* would not have led to the claimed invention because *Sanschagrin* and *Branton*, either individually or in combination, at least do not disclose "a network element ...operative to...received through a SONET transport center, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop" or "a server computer...operative to..., ...to retrieve previously stored configuration data associated with the network element from a database; to compare the previously stored configuration data to the configuration data received from the network element, to determine whether the previously stored configuration data and the configuration data received from the network element are identical, and to store the configuration data received from the network element in the database in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical", as recited

by amended Claim 8. Accordingly, independent Claim 8 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 8.

Dependent Claims 9-11 are also allowable at least for the reasons described above regarding independent Claim 8, and by virtue of their dependency upon independent Claim 8. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 9-11.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

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